IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

WP(C).No. 26206 of 2007(T)

PETITIONER:

M.JAYASREE, AGED 32 YEARS,
D/O. MEENAKSHI AMMA, LATHIKA SADANAM,
THAZHAM VADAKKU CHERY, CHATHANNOOR P.O.,
MEENADU VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:
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1. **THE SUB INSPECTOR OF POLICE,**
   CHATHANNOOR POLICE STATION, KOLLAM.

2. **CIRCLE INSPECTOR OF POLICE,**
   CHATHANNOOR POLICE CIRCLE, KOLLAM,

3. **THE DISTRICT SUPERINTENDENT OF POLICE,**
   KOLLAM.

4. **J.JAYAKUMAR, S/O. JANARDHANAN PILLAI,**
   LATHIKA SADANAM, THAZHAM VADAKKU CHERRY,
   CHATHANNOOR P.O., MEENADU VILLAGE, KOLLAM DIST.

5. **THULASEEDHARAN PILLAI, S/O. RAJAN**
   PILLAI, NEDIYAVILA PUTHEN VEEDU,
   CHANDANATHOPPU P.O., KERALAPURAM,
   KOLLAM DISTRICT.

6. **N.JAYAPRAKASH, S/O. NEELAKANTA PILLAI,**
   PROPRIETOR OF THARA AUTOMOBILE WORKS,
   CHATHANNOOR, KOLLAM DISTRICT.

BY ADV. SRI.R.S.KALKURA
SRI.HARISH GOPINATH
BY GOVERNMENT PLEADER SRI.SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO.26206/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE PETITION SUBMITTED BY THE PETITIONER BEFORE THE 1ST RESPONDENT SUB- INSPECTOR DT. 11.6.07.

EXT.P2:- COPY OF THE PETITION SUBMITTED BY THE PETITIONER DT. 19.6.07 BEFORE THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE COMPLAINT DT.20.6.07 SUBMITTED BEFORE THE 1ST RESPONDENT AND RECEIPT ISSUED FROM THE OFFICE OF THE 1ST RESPONDENT.

EXT.P4:- COPY OF THE COMPLAINT DT. 25.5.07 SUBMITTED BEFORE THE 1ST RESPONDENT.

EXT.P5:- COPY OF THE PETITION DT. 6.11.06.

EXT.P5(a):- RECEIPT ISSUED BY THE OFFICE OF THE 1ST RESPONDENT TOWARDS THE EXT.P5 COMPLAINT.

EXT.P6:- COPY OF THE COMPLAINT DT. 14.4.07 AND RECEIPT THEREON ISSUED BY THE OFFICE OF THE 1ST RESPONDENT.

EXT.P7:- COPY OF THE COMPLAINT SUBMITTED TO THE 3RD RESPONDENT AND OTHER HIGHER UPS DT. 21.6.07.

EXT.P8:- COPY OF THE ACKNOWLEDGEMENT CARDS SHOWING RECEIPT OF COPIES OF EXT.P7 COMPLAINT BY THE TO THE CHIEF MINISTER , HOME MINISTER, THE DGP, AND CHAIR PERSON OF THE COMMISSION FOR WOMEN.

EXT.P9:- COPY OF THE INJUNCTION ORDER OBTAINED BY THE PETITIONER IN OS. 99/07.

EXT.R4(a):- COPY OF THE IA. 584/07 PENDING BEFORE MUNSIFF-MAGISTRATE COURT, PARAVUR.

EXT.R4(b):- COPY OF THE OBJECTION FILED IN IA. 584/07.

/TRUE COPY/

P.A. TO JUDGE

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K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.26206 of 2007-T

Judgment

Balakrishnan Nair, J.

The petitioner submits, she is the owner of a building, which she obtained under a will executed by her late father. The 6th respondent is the tenant of the ground floor of that building. In the first floor, she is residing with her mother, it is submitted. This Writ Petition is filed by her, alleging that respondents 4 to 6 are manhandling her. It is also alleged that the 6th respondent, under intoxication, attempted to outrage the modesty of the petitioner. So, she has filed representations before the Police Officers, seeking police protection against the criminal actions of respondents 4 to 6. When no help was forthcoming from the part of the Police, this Writ Petition was filed, seeking appropriate reliefs.

2. Relying on the pleadings of the petitioner, this Court granted protection to the life of the petitioner at the admission stage. Now, the petitioner points out that she has filed a suit against her mother, seeking to set aside the assignment deed executed by her mother, concerning the

aforementioned building. She also points out that inferiorated by the filing of the suit and the passing of the interim order in the said suit, respondents 4 to 6 are trying to physically harm her.

3. The 4th respondent, who is the brother of the petitioner, has filed a counter affidavit in which he denies the claim of title made by his sister over the building, on the strength of the will. He also submits that he, along with his mother has filed OS No.225/06 against the forceful eviction from the aforementioned building by the writ petitioner. He and his mother are residing in that building, whereas the petitioner is residing with her husband elsewhere. In the above suit, there was an interim injunction against forceful eviction. In violation of the said interim order, the petitioner tried to evict the 4th respondent and his mother. Therefore, an application to prosecute her is filed in the above suit, it is submitted.

4. The learned Government Pleader upon instruction submitted that two crimes have been registered against the petitioner for assaulting her mother and a third crime is registered against the mother and the 4th respondent on the complaint filed by the petitioner.

5. We heard the learned counsel on both sides. This is a civil dispute between the members of a family. We think that the Police cannot be assigned any role in this dispute. So, the prayer of the petitioner for police protection is declined and the Writ Petition is accordingly dismissed.

K.BALAKRISHNAN NAIR,JUDGE

04.10.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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